IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 852 of 2005

Between:

Sri M. Bhaskar Rao, S/o Sri N. Appaiah,
Excise Sub Inspector, Mahabubabad, Warangal.

..... PETITIONER

AND

1 The Andhra Pradesh Administrative Tribunal at Hyderabad.
2 The Commissioner of Prohibition and Excise, Government of Andhra Pradesh, Hyderabad.
3 The Deputy Commissioner of Prohibition and Excise, Warangal Division, Warangal.
4 The Prohibition and Excise Superintendent, Warangal District.
5 The Director of Board of Secondary Education, A.P. Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, Order or Direction in the nature of Certiorari or otherwise calling for records of the first Respondent in O.A.No. 6641 of 2004 and set aside the order passed therein by the first Respondent dated 13-12-2004 and direct restoration of the said O.A.No. 6641 of 2004 and dispose of the said O.A. in accordance with law by the first Respondent and be pleased to pass such other order or orders.

Counsel for the Petitioner: MR.VILAS V.AFZULPURKAR

Counsel for the Respondents: GP FOR SERVICES-II

The Court at the admission stage made the following:

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.6641 of 2004, dated 13.12.2004.

2. The petitioner was seeking declaratory relief declaring that his date of birth is 20.10.1950 instead of 20.10.1947. However, the Tribunal dismissed the OA at the admission stage. Against the said order, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that when the Tribunal has used the discretion to entertain the OA under Clause V of Chapter 41 of A.P. Civil Services Code, it ought to have admitted the same.

4. We are afraid we cannot accept the contention of the learned counsel for the petitioner. The petitioner admittedly failed to avail the departmental remedy available to him ad moreover the Tribunal also observed that the declaratory relief cannot be granted to him. The order of the Tribunal reads as under:

> "The relief sought for in this OA is in the nature of declaratory decree. I am afraid the applicant has to approach the civil Court, if so advised, for such a decree. Further, alteration of date of birth of Government employees is covered by specific statutory Rules. The applicant has to approach the respondents under the relevant statutory provisions even after obtaining such a declaratory decree, if any, for alteration of the entries relating to date of birth in his service book. In the circumstances, the OA is not maintainable and it is accordingly dismissed at the admission stage".

Under those circumstances, we do not find any ground to interfere with the order of the Tribunal.

5. Accordingly the Writ Petition is dismissed. No costs.

G.BIKSHAPATHY, J.

28th January, 2005.

P.S.NARAYANA, J.

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Registrar, Andhra Pradesh Administrative Tribunal at Hyderabad.
2 The Commissioner of Prohibition and Excise, Government of Andhra Pradesh, Hyderabad.
3 The Deputy Commissioner of Prohibition and Excise, Warangal Division, Warangal.
4 The Prohibition and Excise Superintendent, Warangal District.
5 The Director, Board of Secondary Education, A.P. Nampally, Hyderabad.

6 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

7 2 CD copies